IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 16574 of 2007(W)

PETITIONER:

MOHANSANKAR, LEKSHMI NIVAS, PATTATHANAM, VADAKKEVILA, KOLLAM.

BY ADV. SRI.A.SUDHI VASUDEVAN

RESPONDENTS:

1. ADDITIONAL TAHSILDAR, TALUK OFFICE, KOLLAM.

2. DISTRICT COLLECTOR, KOLLAM.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.16574 pf 2007

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Dated this the 12th day of June, 2007

J U D G M E N T

The petitioner challenges the proceedings under the Kerala Land Conservancy Act by which the petitioner has been directed to vacate the property mentioned in Ext.P10 order. Petitioner's contention is that the petitioner's predecessor-in-interest has been in possession of the property right from the beginning of the last century and as such, the proceedings now initiated are certainly without jurisdiction.

2. I am not inclined to go into the merits of the case of the petitioner at this juncture since the petitioner has an effective alternate remedy by way of appeal. Therefore, if the petitioner files an appeal within two weeks from today, the appellate authority shall consider the same as also the stay petition to be moved by the petitioner in

that appeal. To enable the petitioner to move the appellate authority, I direct that further coercive proceedings pursuant to the impugned order shall be kept in abeyance for a period of three weeks. This would be subject to the condition that the petitioner shall positively file the appeal within two weeks. In view of the fact that immediately after the receipt of the impugned order the petitioner had in fact filed Ext.P11 petition before the Government, which has been forwarded to the Collector as per Ext.P12, it is only appropriate that the appellate authority considers the appeal on merits, notwithstanding the delay caused in approaching the appellate authority.

Writ petition is disposed of as above.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

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P.A. to Judge.